IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA 1928

W.A.No.2439 of 2006

AGAINST THE JUDGEMENT IN W.P.(C).3005/2005-G DATED 01/09/2006
.....

APPELLANT: PETITIONER:-

ABDUL RAHIMAN, S/O.MOHAMMED,
KALLIPARAMBIL HOUSE, VADUKARA,
KOORKENCHERY VILLAGE, THRISSUR DISTRICT.

BY ADV. SRI.M.K.DILEEP KUMAR

RESPONDENTS/RESPONDENTS:-
---

1. THRISSUR CORPORATION,
REP. BY ITS SECRETARY, THRISSUR.

2. RAMLA, W/O.MOHAMMADKUTTY,
THACHARA VALAPPIL HOUSE, NADUVATTAM,
KUTTIPALA AMSOM, PONNANI TALUK,
MALAPPURAM DISTRICT.

R1 BY ADV. SRI.K.P.VIJAYAN
SRI.V.M.SYAM KUMAR.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

V.K.Bali,C.J. & M.Ramachandran,J.

W.A.No.2439 of 2006

Dated, this the 1st day of January, 2007

JUDGMENT

V.K.Bali,C.J. (Oral)

The short order that has been impugned in the present Writ Appeal reads as follows:-

> "No representation for the petitioner when the case is taken up for hearing today.
>
> 2. Heard Mr.K.P.Vijayan, learned Standing Counsel for the 1st respondent and Mr.P.Vijaya Bhanu, learned counsel for the 2nd respondent.
>
> 3. As rightly submitted by the Standing Counsel for the 1st respondent and the counsel for the 2nd respondent, it is open to the petitioner to impugn Ext.P6 before the Tribunal for Local Self Government Institutions. I relegate the petitioner to that remedy. In view of the above direction, the interim order presently passed will continue only for a period of ten more days from today.
>
> The Writ Petition will stand disposed of as above. No costs".

2. The order reproduced above would clearly suggest that there was no representation on behalf of the petitioner, i.e. the appellant in the present Writ Appeal. In the circumstances,

the order passed by the learned Single Judge relegating the petitioner to the statutory remedy of appeal may not be faulted, even though we may mention that it is the case of the petitioner that once the writ petition was admitted and pending for long time it ought not have been disposed of relegating the petitioner to alternative remedy. He may be right. However, in the facts and circumstances of the case and particularly when the counsel for the petitioner did not appear even, it would be more appropriate for the petitioner to move the required application before the learned Single Judge for disposal of the writ petition on merits. With leave and liberty to the petitioner to move the requisite application before the learned Single Judge in the light of the observation as made above, the appeal is closed.

V.K.Bali
Chief Justice

M.Ramachandran
Judge

vku/-